



**A SUBSTITUTED ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE TO AUTHORIZE THE DIRECTOR OF THE BUREAU OF PURCHASING TO PURCHASE APPROXIMATELY 100 ACRES IN THE CITY OF ATLANTA KNOWN AS THE LIONEL HAMPTON TRACT, WHEREAS THE TOTAL COST OF ACQUISITION IS \$1,650,000 FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM APPLICATION AND THE SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP) PURSUANT TO THE CONSENT DECREE; AND FOR OTHER PURPOSES.

WHEREAS, the 1993 Parks, Open Space, and Greenways Plan and the Comprehensive Development Plan (CDP) express the future intent of the City to acquire the Lionel Hampton Tract ("the Property") for use as public greenspace and greenway trails as part of the proposed Utoy Creek Trail and Greenway Corridor; and

WHEREAS, the property is a priority one stream segment identified in the City of Atlanta Greenway Acquisition Project under the Consent Decree Supplemental Environmental Project (SEP), which the City has entered into pursuant to the Consent Decree with the United States EPA and other parties; and

WHEREAS, Cascade Partners, LLP, ("the Owner") has offered to sell the Property to the City for a price of \$2,650,000; and

WHEREAS, PW3 Watershed Alliance and SPACE, Inc., secured a grant in the amount of \$1,000,000 from the Arthur M. Blank Family Foundation which will reduce the final cost of the Property to the City, as shown in Exhibit A; and

WHEREAS; in lieu of a grant to the City, PW3 Watershed Alliance and SPACE wish to quitclaim any interest which their donation might otherwise entitle them; and

WHEREAS, other community organizations, including the State of Georgia Civil War Commission, West Atlanta Watershed Alliance, and The Conservation Fund have also worked to secure public and private support for the protection of the Property; and

WHEREAS, there are various funding sources available to the City of Atlanta for greenspace acquisition and conservation that include but are not limited to Georgia Greenspace Program monies and Greenway Acquisition Project funds under the SEP to the 1998 Consent Decree, which may require that the City subdivide the property at closing in order to record the various easements and conditions which may be imposed as a condition for the use of certain funding sources; and

WHEREAS, the City will use \$1,027,057.00 of SEP funds towards the total purchase price, as shown in Exhibit A; and

WHEREAS, Ordinance 00-O-0717 waives certain provisions of the Real Estate Code regarding real estate acquisitions under the SEP that require further authorization of Council; and



WHEREAS, a final survey is required in order to complete due diligence procedures for acquisition, and such survey will be attached as Exhibit A to this ordinance upon completion and acceptance by the Director of the Bureau of Purchasing and Real Estate.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: The Director of the Bureau of Purchasing and Real Estate (the "Purchasing Agent") is hereby authorized to purchase from Cascade Partners, LLP, ("the Owner") approximately 100 acres of real property otherwise known as the Lionel Hampton Tract ("the Property") as shown and described in the attached Exhibits.

SECTION 2: The funds expended for the purchase shall not exceed \$1,650,000 in total. Of this amount, \$1,027,057 is authorized in Ordinance 00-O-0717 to be allocated from SEP funds, account number 3P02 571001 T31I02549999. The remaining funds are to be paid from the following Fund Account Center combinations, based upon the following partition of appropriations:

<u>Fund</u>	<u>Account</u>	<u>Center</u>	<u>Title</u>	<u>Amount</u>
1B02	771001	Y63D1007KTA0	Utoy Creek Trail & Greenway Corridor Acquisition	\$252,143.00
1B02	771001	Y63U0212KTA0	Atlanta Greenway Acquisition Project, Fulton County	<u>\$370,800.00</u>
			TOTAL	<u>\$622,943.00</u>

SECTION 3: The deed for each tract is to be recorded containing appropriate covenants, restrictions or easements as necessary in order to satisfy the requirements of the funding programs and the Purchasing Agent shall develop such language in consultation with the City Attorney and the Commissioner of the Department of Planning, Development, and Neighborhood Conservation prior to closing.

SECTION 4: Any party providing funds not given to the City of Atlanta as a grant shall quitclaim any interest which their donation might otherwise entitle them.

SECTION 5: Because of the unique nature of the transaction, the Purchasing Agent is hereby authorized to execute the purchase without further action by Council.

SECTION 6: The contractual agreement shall not become binding on the City and the City shall incur no liability until such contract has been executed by the Mayor and delivered to the contracting party.

SECTION 7: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy,

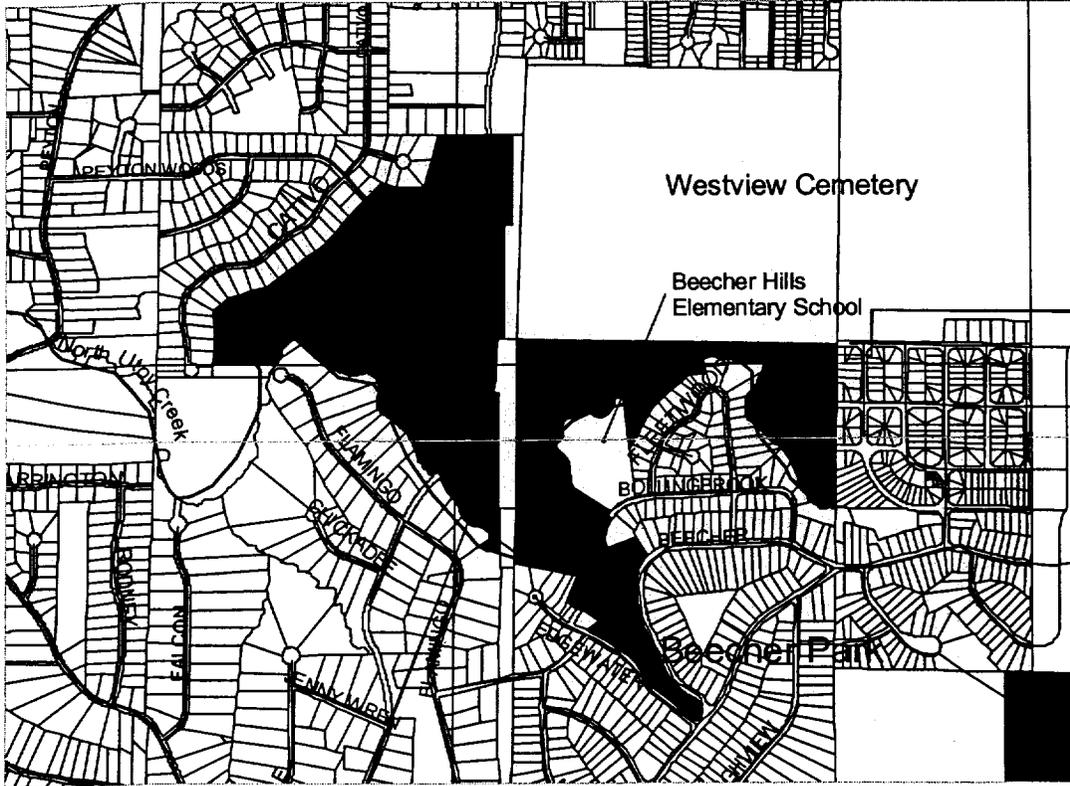
Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

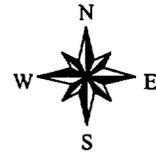
NOV 04, 2002
NOV 08, 2002



Proposed Acquisitions Utoy Creek Greenway Corridor



-  Major stream
-  Street
-  Proposed acquisition
-  Park





Smith Real Estate Services, Inc.
2095 Buford HWY, N.E., Suite 100
Atlanta, GA 30324

C2-0-1643
CITY OF ATLANTA
BUREAU OF PURCHASING
2002 OCT 29 PM 12 52

October 29, 2002

Ms. Felicia Strong-Whitaker, Director
Bureau of Purchasing & Real Estate
City of Atlanta
55 Trinity Avenue, S.W., Suite 1790
Atlanta, Georgia 30335-0307

**RE: Greenway Acquisition Project
Lionel Hampton Parcel in Lots 203
& 204 of the 14th District,
Atlanta, Fulton County, Georgia**

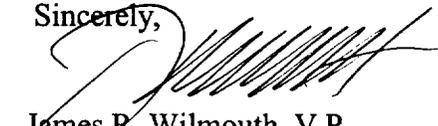
Dear Ms. Strong-Whitaker:

Please find enclosed our request for an EJC for the Greenway Acquisition Project. Monies for this purchase will come from the Greenway Acquisition fund account, The Arthur M. Blank Family Foundation (\$1,000,000.00), and funds from the Utoy Creek Trail & Greenway Corridor Acquisition accounts. These fund amounts are to be applied to the purchase of this land tract from pending legislation (attached). Once purchased with this land tract combined with another land parcel now in negotiations (the Beecher Hills land tract), the two properties will be larger than the City of Atlanta's Piedmont Park. We are very much excited about these acquisitions for the City of Atlanta. The City of Atlanta is fortunate to have received a million dollar grant from the Arthur M. Blank Family Foundation to be used for the purchase of this property.

The appraisal of the Lionel Hampton land tract is a faxed copy, however I will forward on to you a bound detailed appraisal report this week when available.

We appreciate the opportunity to be of service to you. If you have questions, please do not hesitate to call.

Sincerely,



James R. Wilmouth, V.P.
Land Acquisition Services



SMITH REAL ESTATE SERVICES, INC.
COMMERCIAL BROKERAGE, COUNSELING AND VALUATION

2695 BUFORD HWY., NE, SUITE 100
ATLANTA, GEORGIA 30324
TELEPHONE 404-315-1512
FAX 404-315-9890
WEB ADDRESS: WWW.SMITH-RES.COM

2002 OCT 29 12:52 PM '02

October 29, 2002

Felicia Strong-Whitaker, Director
Bureau of Purchasing & Real Estate
City of Atlanta
City Hall
Atlanta, GA 30335

Re: Request for EJC
Atlanta Greenway Acquisition Project
Lionel Hampton Parcel in Land Lots 203
204 of the 14th District, Fulton County, Georgia
102.44 acres Total Fee Take

Dear Ms. Strong -Whitaker:

The values reported are currently applicable to the property interests to be acquired.

Attached is an appraisal by Mr. Daniel Diaz for a fee simple taking of 102.44 acres of land. The owner of the parcel, Cascade Partners LLC, declined to donate the property and stated that their participation in the Greenway Acquisition Project was contingent upon the City purchasing the aforementioned area, at two million seven hundred ninety and no/100 dollars (\$2,790,000.00). A settlement was reached with the property owner at two million six hundred and fifty thousand and no/100 (\$2,650,000.00), the fair market value of the property. Upon obtaining approval to proceed from USInfrastructure, Inc., the parcel was appraised and returned with a valuation of two million six hundred and fifty thousand and no/100 dollars (\$2,650,000.00).

The subject of this letter is to request your authorization to extend the offer of just compensation for the property interests that the City requires for this project.

Sincerely,



James R. Wilmouth, VP
Land Acquisition Services

Greenway Acquisition Project
Parcel Lionel Hampton Tract



**STATEMENT TO ESTABLISH JUST COMPENSATION (EJC)
AND AUTHORIZATION TO EXTEND OFFER**

Project: Greenway Acquisition Project

Property Address: Lionel Hampton Parcel in Land Lots 203
and 204 of the 14th District
Atlanta, Fulton County, Georgia
102.44 acres Total Fee Take

Date of Appraisal(s): October 27, 2002

Appraiser: Daniel Diaz **Certification #:** 4920

Appraiser's Recommendation of FMV: \$2,650,000.00

Based on the appraisal, Just Compensation is established as delineated on the attached Appraisal for this property identified as the subject property.

Pursuant to Ordinance No. 01-0-0717, adopted by the Atlanta City Council and approved by the Mayor, this will serve as authorization for the City of Atlanta's Consultants for program management for the Greenway Acquisition Program, by and through their sub consultants, Smith Real Estate Services, Inc., to extend a written offer to the affected property owner(s) for the purchase of the above described real property on behalf of the City of Atlanta which is needed for implementation of the subject project. This offer of Just Compensation is at least the fair market value of the property as determined by Smith Real Estate Services.

Date: _____

Director, Bureau of Purchasing and Real Estate

RCS# 4195
11/04/02
5:30 PM

Atlanta City Council

Regular Session

02-O-1643

Purchase Lionel Hampton Tract for
\$1,650,000 for Greenspace/SEP Programs
ADOPT/SUB/AMEND

YEAS: 12
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
NV Starnes	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	A Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

02-O-1643

02-0-1643

(Do Not Write Above This Line)

AN ORDINANCE BY

FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE TO AUTHORIZE THE DIRECTOR OF THE BUREAU OF PURCHASING TO PURCHASE APPROXIMATELY 100 ACRES IN THE CITY OF ATLANTA KNOWN AS THE LIONEL HAMPTON TRACT, WHEREAS THE TOTAL COST OF ACQUISITION IS \$1,650,000.00 FOR THE PURPOSE SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM APPLICATION AND THE SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP) PURSUANT TO THE CONSENT DECREE; AND FOR OTHER PURPOSES.

Committee member J. Maxwell Abstein

ADOPTED BY
NOV 0 4 2002

COUNCIL

As Amended

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 10/7/02

Referred To: Finance / Executive

Date Referred 10/21/02

Referred To: Finance / Executive

Date Referred

Referred To:

First Reading

Committee FINANCE/EXECUTIVE
Date 10/21/02
Chair William H. Moore

Committee FIN/EXEC
Date 10-16-02
Chair William H. Moore
Actions: As Amended
Fav, Adv, Held (see rev. side)
Other: As Amended
Members As Amended
Refer To: As Amended

Committee FIN/EXEC
Date 10/20/02
Chair William H. Moore
Actions: As Amended
Fav, Adv, Held (see rev. side)
Other: As Amended
Members As Amended
Refer To: As Amended

Committee
Date
Chair
Actions: Fav, Adv, Held (see rev. side)
Other:
Members
Refer To

Committee
Date
Chair
Actions: Fav, Adv, Held (see rev. side)
Other:
Members
Refer To

COUNCIL ACTION

2nd 1st & 2nd 3rd
Readings

Consent V Vote RC Vote

CERTIFIED

NOV 0 4 2002

CERTIFIED

NOV 0 4 2002

Rachel Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

Harley Franklin
NOV 0 8 2002

MAYOR